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**WEARE BOARD OF SELECTMEN
MEETING MINUTES
November 1, 2010**

PRESENT: TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; DONNA OSBORNE, SELECTMAN; JAMES DONISON, SELECTMAN

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Carl Knapp, Frank Campana, Jan Synder, Matt McLain, Johnna Grzywacz, Benji Knapp, Chris Hague

7:00 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT – Mr. Frank Campana stated that Chief Begin and Carl Knapp gave updates on their budgets at a previous meeting. The Highway Department budget was fairing better than the Police Department's budget. Mr. Campana said that whether this is from better spending or fortunate circumstances, he would not like to see a department's fortunate stance be taken away to cover another department's budget.

Mr. Campana said that he questioned the hiring of the prosecutor in December 2009. He said that the part time Police Department line has grown almost \$40,000 since the last proposed budget was passed in 2005. Mr. Campana said that he questioned this several times last year and never got an answer and the Selectmen chose to leave the part time line at \$90,000. When he asked how the prosecutor was being paid he was told from the part time line. Mr. Campana asked that if the prosecutor is being paid out of the part time line what will happen to the default budget; will they pay the prosecutor the dollar amount due and then keep the part time line up to the \$90,000. Mr. Campana said that this does not seem like the right way to build a default budget. He is interested to see how the position will be funded.

Vice Chairman Butt said that they have never hired an additional person under a default budget in the last ten years; the prosecutor is a contracted position. Vice Chairman Butt said that the money was available in the part time line, for this year, to hire the prosecutor as a contractual obligation. If Chief Begin agrees to keep the prosecutor, it will come out of the part time line, as a contractual obligation not as an employee. The prosecutor is a contract for services and receives no health care and no benefits.

Mr. Campana said it will be interesting to see how the budget is affected with the full time EMT personnel. He feels that someone should be able to figure out how those full time employees are filling the calls that were previously filled by on call personnel. Mr. Campana said that they don't have the on call during the week because they were replaced with the full time EMTs and they should be able to reduce the salary line. Vice Chairman Butt said the reason they went for the per diems is because they weren't able to make the calls, they have diverted funds to pay for the per diem. Vice Chairman Butt does not think there will be a significant reduction. Mr. Campana said that with the per diem filling in he is concerned if the salary line will be staying the same.

DEPARTMENT HEADS – Vice Chairman Butt commented on seeing lines painted on Short Street and asked Mr. Knapp if he did any of this painting. Mr. Knapp said it was a decision by the Board to not fund the paint line. Vice Chairman Butt said that Mr. Knapp bought the equipment, therefore there should paint in the budget. Vice Chairman Butt commented on Mr. Knapp being under budget and asked if he should buy paint for the

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roads. Mr. Knapp said it is up to the Board. It was discussed that it needs to be above 50 degrees in order to paint. Mr. Knapp said he would love to use the equipment, but he got the impression from the Board that they did not want to purchase paint. Mr. Knapp said if they had put money in the line they would be out painting double yellow lines and stop lines, especially on East Road and on Reservoir Drive. He feels that the opinion he received last year was strongly against funding the paint. Vice Chairman Butt said that the Board was not involved in purchasing the equipment. Vice Chairman Butt said that Mr. Knapp is responsible for the bottom line of his budget, and if the money was available, and he thought it was important he should have come to the Board to request purchasing the paint. Mr. Knapp said there are two months left in the year, and there is a lot that can happen that could affect his bottom line budget. He would rather see the Board say at budget time that they would like to see some painting done and fund the line.

Chairman Clow mentioned the lines on East Road, which are necessary to control traffic and need to be redone every year.

Selectman Donison mentioned that as a minimum he could purchase the paint this year for use next year.

Mr. Knapp said that they will do their best to get some painting done. He has no issue in doing the painting and said that is the reason they got the machine, which in the long run will save the town money. Mr. Knapp said as a department head he wants to run his department efficiently.

DEPARTMENT OF PUBLIC WORKS SCHEDULE – Chairman Clow said that there are opinions on the Board that the schedule should not have been changed and employees should work 10 hour days during summer months and 8 hour days during the winter months. The Board is considering going back to that schedule.

Naomi Bolton, Town Administrator, asked Mr. Knapp if he checked with the hours of operation of area towns. Mr. Knapp said he did not contract anyone directly. Naomi Bolton, Town Administrator, said that all of the area towns change their hours between May and October. She said that she spoke with Goffstown and pulled their minutes and they voted to stay with 5/8 hour days.

Vice Chairman Butt said they are not discussing maintaining the hours, they are discussing changing the hours, and it would be easier to make the change in the winter. Vice Chairman Butt said that they feel it would be safer for the employees to not do their routine work in the dark.

It was discussed that out of the fifteen employees in the department, seven of them have part time jobs on the day off. Vice Chairman Butt said that because it is disruptive to over half of the employees, he would defer doing anything for a year. If they do decide to do something they need to give the employees time to adjust. He would like to defer from implementing the schedule change and continue the discussion to see if there is an economic benefit or if it is safer for the employees.

Chairman Clow feels that they should be on the schedule that they were on, but if half of the employees have other jobs and daycare issues changing back the hours at this time would disrupt the lives of the employees and it would be inappropriate. Chairman Clow would like to continue the discussion and come forth with an official motion and give employees time to get things in order. He does not want to put the decision off too long.

Vice Chairman Butt agrees that six months is enough notice to change the hours.

Selectman Donison likes the idea of giving the department time before changing the hours. Selectman Donison said that working 4/10s compared to 5/8s is a benefit to the employees. He would agree with not changing the schedule until November 1, 2011.

Naomi Bolton, Town Administrator, mentioned that issue with holidays and paying 8 hours verse 10 hours. Mr. Knapp said that he spoke with Tina Connor regarding the confusion that causes with the time keeping; the policy states days and not hours. Naomi Bolton, Town Administrator, commented on the union and said that the Selectmen and department head have the right to set the hours.

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Chairman Clow said that from previous minutes Selectman's Lacasse opinion differed from some members on the Board and he would not like to vote in his absence. Chairman Clow said they will put this discussion on the next agenda that they have five members present with the intent to start November 1, 2011.

Mr. Benji Knapp told the Board that working 4/10s is a benefit to them and the Board has no reason to take it away. He said that they don't work in the dark; they need time in the morning to get the trucks ready and time at night to take down their signs. He feels that this is just another reason to get to the employees. Mr. Benji Knapp commented on the Board asking for their input and then doing things the way they want anyway. He would like a reason from the Board why they want to do this. He stated that daylight savings time will be taking effect. Mr. Benji Knapp said that the 4/10s saves on gas and time to put away the signs at the end of each day. The hour change will only be changing half the department; the Transfer Station will stay the same. He informed the Board that he has discussed this issue with other towns and those employees state that they would get more work done by working 10 hour days. He does not understand the Boards thinking and said that he has a list of reasons to keep the 10 hour days and the Board has no reason to change. Mr. Benji Knapp said that he knows the Board will do what they want, but he feels it is unfair because they are not working in the dark and that is the only reason he has heard for the Board wanting to change the hours.

Matt McLain commented on the Board just changing the Highway Department hours and the Transfer Station works just as long. He told the Board that if they are going to say that the Highway Department is working in the dark then the Transfer Station is too and there is public involved there.

Selectman Donison asked Mr. Knapp if he asked the employees which hours they prefer. Mr. Knapp said when he asked them for their input the consensus was that they want to keep the current hours. Mr. Knapp said that everyone agreed, all were asked, but some did not comment one way or the other.

FOREST ROAD DISCUSSION – Naomi Bolton, Town Administrator, informed the Board that Mr. Jack Moody went before the Zoning Board for a single family home upgrade on Lot 290 on Forest Road, the single family home was not built and he then received approval for a cell tower. Mr. Moody upgraded 700 ft from the last house to the cell tower and now he would like the town to accept the 700 ft of the road. Naomi Bolton, Town Administrator, said that Attorney Drescher's response was to ask what the benefit of taking on the additional 700 ft would be for the town.

Mr. Moody informed the Board that he went to Mr. Knapp and told him that his original plan was to upgrade the road and now that the cell tower company requested the upgrade he kicked in the extra money to upgrade the road to town standards. He said Mr. Knapp's opinion was that it was easier to turn the plow around and the other benefit is that the Fire Department wanted the upgrade to get up there. Naomi Bolton, Town Administrator, said that was part of the approval. It was mentioned that PSNH needs to get out there as well.

Naomi Bolton, Town Administrator, said that in speaking with Attorney Drescher he informed her that typically the town has only accepted paved roads. Mr. Moody said he had Select Board approval to accept the road less the paving. Naomi Bolton, Town Administrator, said that the Board will not spend money for a public hearing if the Board does not approve accepting the road. Mr. Moody said that it does not make sense to have the entire road dirt and then pave the last 700 ft of the road. Chairman Clow said that only paved roads are accepted and sometimes that includes upgrading a portion of a Class VI road to a Class V and then accepting it as a town road.

Mr. Moody owns Lots 290, 311, and 312 and the cell tower is on a five acre parcel. Mr. Knapp plows up to 289 Forest Road and Mr. Moody extended the road 700 ft beyond that driveway. He could get a building permit on it if the road was updated. The turnaround is on his property.

Selectman Donison said that he would not be in favor of accepting a portion of a Class VI road without it meeting the town's standards. Mr. Moody said that he already has approval from the 2003 Select Board and Zoning Board to waive the paving.

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The road is a Class VI road and there is a sign that says it is an unmaintained road and Mr. Moody wants to accept it as Class V unpaved. Naomi Bolton, Town Administrator, said that in the past he was told to apply for a waiver and he did. He is now asking for a waiver to accept the road. Naomi Bolton, Town Administrator, said that Attorney Drescher informed her that Mr. Moody could ask the Board to accept it and if the Board was inclined to do so they could move it to public hearing.

Mr. Moody told the Board that he just put \$80,000 into the road because the town asked him to. Naomi Bolton, Town Administrator, said that was because he chose to put the cell tower there.

Mr. Moody referred to minutes of a Selectmen meeting held in 2003, and asked where the law changed, he thought that once you get a decision it is a decision. Vice Chairman Butt said they are asking for clarification. He asked if at that point in time if Mr. Moody was planning on subdividing, and asked if a portion of the road would have to be paved or just the subdivision. Mr. Moody said that in the future, he would have to pave the whole road to create a subdivision.

Chairman Clow mentioned there is confusion because it states there was an amendment because of ZBA approval. Mr. Moody said that he thinks he got the ZBA approval. Selectman Donison asked why they waived the paving requirement for the 700 ft of road. Mr. Moody said that he wrote a letter because he was instructed to request the variance. Naomi Bolton, Town Administrator, said the variance at the time would state upgrade to Class VI and the liability and the waiver would be attached.

Vice Chairman Butt asked if they grade the section of road. Mr. Knapp said that they turn around at 289 Forest Road.

Selectman Donison asked if the road meets the town standards with the exception of paving. Mr. Knapp said that it does, just not shoulder the width which is 24 ft instead of 34 ft wide.

Naomi Bolton, Town Administrator, informed the Board that the legal opinion she received is not in writing because it costs to do so. She said that if they extend this road then there are a lot of people that would like the same upgrade and have the town maintain their road as well.

Mr. Moody asked that if they are not going to maintain the road for any reason, why the Fire Department requested the turn around. Mr. Moody feels he has been mislead all along and wants to know what his next step is because he assumed he could get it on the warrant to go before town vote.

Naomi Bolton, Town Administrator, said that the ZBA approved a single family on Lot 290 providing the road was upgraded to a Class V. Chairman Clow said if he has a variance he can build there, but it does not mean that the town is required to maintain the road. The road needs to be accessible for emergency vehicles, but it does not mean that the town would maintain it.

Vice Chairman Butt asked what the benefit of accepting this portion of the road would be to the town. Mr. Knapp said that Mr. Moody has a nice turnaround and it would be easier to turn around the plow.

It was discussed that it is not legal to spend townspeople money on a Class VI road without approval from Town Meeting.

Naomi Bolton, Town Administrator, said if the Board is in favor of spending the money, they can spend the money to hold a public hearing. Vice Chairman Butt would like to get Attorney Drescher's opinion in writing.

Mr. Knapp said the Board is right in stating that it could set a precedent if they accept this section of road.

Mr. Moody said that he did invest a lot of money into the road with the thought that it would be accepted.

Chairman Clow said that it being a Class VI road with a variance in hand does not prevent him to do with it what he wants.

Library Bid: Windows – Selectman Donison said that he spoke with Envirovantage regarding the windows. They looked at the windows and the sills are granite and the caulking around the outside of the windows is

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asbestos so covering the asbestos with caulking and paint is the best option. Selectman Donison said to have two people for two days with the cost to include primer and a final coat Envirovantage will charge \$1,175. Clow said they were held up before because they wanted to check the sashes. Selectman Donison said all of the windows have storm windows that would not be removed and the sashes are fine. Vice Chairman Butt said that he is concerned with the price. Selectman Donison said that they have to move forward soon. Envirovantage will charge \$3,850 and \$1,175 to paint. Chris Hague said that the problem with the local painter she has is the time to get the painting done because of the weather.

Selectman Donison moved, Selectman Osborne seconded to award the contract to perform the work on the nineteen Library windows to Envirovantage for \$5,025 which includes \$3,850 for scraping and protection against asbestos and \$1,175 for the painting to include primer and a final coat with the money to come from the Government Building and Maintenance Fund. Passed 4-0-0

Library Bid: Floors – It was discussed that Selectman Lacasse spoke with John Turner, who put together a bid, but would not commit to repairing from either above or below. He also spoke with another contractor and he felt it was best to do the work from above. Selectman Donison said the conversations he had with the Excell Contractor was the length of time that the Library would be out of commission. He is concerned with shutting down the Library for thirty days. Selectman Donison said that Excell Construction would be doing the work from above and also from below. Excell Construction figured the work on the upper level would take a week and the lower level would take a week and felt it was not necessary to close the Library. Selectman Donison asked about the damages to the carpet and they said that they could stitch the carpet. Excell's bid is for \$10,790. Project Resource submitted a bid for \$13,800 with all the work being done from underneath the floor and they would have the work done within a two week period. Precision submitted a bid for \$13,900 and said that the work would be done within two weeks.

Chris Hague said that she is glad to know about the two weeks and said that if they have the means of egress they can allow the staff, but not the public into the Library. They can probably keep the center aisle clear but will need the rest of the space for moving bookcases and furniture. She is working on a plan to accept returns and have limited internet availability. She feels the decision should be made on merits of the bids, not length of time. Ms. Hague does not think that stitching the carpet will work. She commented that they know they have outgrown the building and will be giving the building back to the town. Ms. Hague received a price of \$2,228 for carpet and a price of \$3,334.68. It will cost \$422.40 to remove the current carpet. They will need to provide two 2 weeks notice to the carpet company. The Library would need to move the book shelves. The construction itself only requires moving half the shelves, the carpeting requires moving all the furniture and book cases. Chairman Clow asked if there is a significant difference in the quality of the carpets between the two prices. Ms. Hague said yes there is; she can get sample carpets to compare. Chairman Clow said given the voters, she should figure on staying in the building that they have outgrown more than two years. Ms. Hague said if the Board would like her to do this, she would like to get moving. Ms. Hague said there will be prep time involved in moving the furniture and shelves.

Selectman Donison moved, Vice Chairman Butt seconded to accept the bid from Excell Construction for the repairs on the Library floor for a bid price of \$10,790 with the money to come out of the Government Building and Maintenance Fund. Passed 4-0-0

Selectman Donison moved, Chairman Clow seconded to authorize Chris Hague to purchase carpeting which would include the removal of the existing carpet and the installation of new carpet with the understanding that the Library staff will remove the furniture and shelving in the Paige Section of the Library for an amount not to exceed \$3,500.

Vice Chairman Butt commented on the estimates being from May and asked if they know the estimates are still good.

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Selectman Donison moved, Chairman Clow seconded to amend the above motion to an amount not to exceed \$4,000. Passed 4-0-0

MANIFESTS

Chairman Clow moved, Vice Chairman Butt seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated November 4, 2010. Passed 4-0-0

Accounts payable	\$331,114.45	(Includes \$250,000 from John Stark)
Gross Payrolls	<u>\$38,193.74</u>	(Includes Taxes, Credit Union, Police Detail)
Total	\$369,308.19	

MEETING MINUTES

Vice Chairman Butt moved, Selectman Osborne seconded to accept the minutes of October 4, 2010 as amended. Passed 3-0-1; Chairman Clow abstained.

Vice Chairman Butt moved, Selectman Osborne seconded to accept the minutes October 6, 2010 as written. Passed 4-0-0

Chairman Clow moved, Selectman Donison seconded to accept the minutes of October 11, 2010 as written. Passed 4-0-0

Chairman Clow commented that they need to hold a public hearing to accept the \$7,000 from the K-9 fund.

Chairman Clow moved, Selectman Osborne seconded to accept the minutes of October 18, 2010 as amended. Passed 3-0-1; Selectman Donison abstained.

Chairman Clow moved, Vice Chairman Butt seconded to accept the minutes of October 19, 2010 as printed. Passed 3-0-1; Selectman Donison abstained.

Chairman Clow moved, Selectman Donison seconded to accept the minutes of October 25, 2010 as printed. Passed 3-0-1 Selectman Osborne abstained.

Jan Snyder informed the Board that the interest for a TAN would be 1.97% and she will not draw on the TAN unless it is necessary. The Board signed the TAN presented by Ms. Snyder. Ms. Snyder said that they are fortunate that they got the tax rate set on time.

ADMINISTRATIVE REPORT –

2010 Budget Review – 3rd Quarter – Chairman Clow said that the Police Department budget is over budget by \$60,000 with 19% remaining in their budget. Most other departments are coming in within their budget.

Naomi Bolton, Town Administrator, said that she used the same budget format with all departments.

- Animal Control – 46% remaining
- Public Works – Mr. Knapp figures he will have \$30,000 remaining
- Transfer Station – \$2,000-\$3,000 remaining
- Water Department – there is still some water testing to do
- Fire Department – Ray Eaton informed her that he has more to do with safety and medical gear testing and needs to replace worn cords on the building from his budget. The South Weare Fire Station had to have some septic repairs, which is unexpected and the money came from their operating budget. The Fire Department will be overspent due to a large fire at Clough State Park; they are trying to get \$1,000 reimbursed from Dunbarton and the state.
- Building Department – Budget on track, developments have slowed down and should come in under budget about \$15,000
- Land Use – Chip Meany went to see Bill Drescher for legal issues with the money coming from the Land Use budget. This budget will be under budget and the extra money will go to the legal line.
- Town Clerk – The main revenue contributor and feels it will be under budget
- Assessing – will be under budget
- Finance – will be under budget

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- PARC – There is 8.72% remaining in this budget and they still need to shut down the irrigation system; will be under budget.
- Cable Committee – They need to wait to see the bills that come in.
- Cemeteries – Primex will not be covering the fence repair on the East Road, the repair will wait until spring and they are hoping to utilize community service.
- Emergency Management – The budget is the same.
- Tax Collector – The remaining amount in the budget is largely due to the position being vacant and may be used to offset the legal line.
- Town Office – IT server seems to be overloaded again and they need to find out what they can do.
- Selectmen's Office – The Town Administrator would like to start to attend school in January.
- Government Buildings – The budget is on track, but they are heading into heating season.
- Street Lighting – This budget is in good shape.
- Conservation Commission – The same amount, although they are asking for a minute takes in their budget.
- Economic Development – 100%
- Debt Service – all done

There is 25.5% remaining in the bottom line budget.

Finance Committee member Johnna Grzywacz commented on the Forest Fire budget and asked what has been allotted in that budget. It was discussed that there is \$3,360 for the year and they typically get half of that back when they go on a call from the state and \$.50 back per fire permit. Vice Chairman Butt said this is offset by revenue and is a unique operating expense.

Vice Chairman Butt commented on getting an updated print out soon and said that he would like to see the budget as of the end of October.

Chairman Clow commented on the Police overtime going up this week. Naomi Bolton, Town Administrator, told the Board that she had a visit from an officer on his way to a mandatory staff meeting to discuss the importance of overtime.

Clinton Grove Pest Control Bids – Naomi Bolton, Town Administrator, informed the Board that Sherry Burdick met with JP Pests. JP Pests bid entails treating thirty-one pieces being stored and the other company would only be treating visible locations. It was discussed that Mr. Knapp agreed to move the pieces onto the lawn and put them back in once they are dry. Vice Chairman Butt said in order to treat against the beetles the wood needs to be treated and it will protect the wood for a very long time. He said that the cycle will continue and he does not know the value of the items or the display cases. Vice Chairman Butt asked if there is any money in the operating budget to cover this expense; he does not think that the money left to Clinton Grove or the Government Building and Maintenance Fund can be used. He said that if it is an operational expense, go ahead and do it. Chairman Clow said the cost will come out of the bottom line. It would cost \$595 for pest control with JP Pests and they would be treating twenty-five pews and several pieces of antique equipment.

Chairman Clow moved, Selectman Donison seconded to expend \$595 and give the work to JP Pests with the money to be taken out of the operating budget. Passed 4-0-0

Town Report and Mailer Specifications – Naomi Bolton, Town Administrator, said that last year they budgeted for 1,300 bound and printed copies, with 116 pages. There will be text on the cover instead of a colored picture. Naomi Bolton, Town Administrator, said that the twenty-eight page Town Mailer cost \$3,600 last year. Chairman Clow does not feel that they should include editorials from anyone; recommendations only. Naomi Bolton, Town Administrator, will get the cost per page prices on the Town Report and the Town Mailer. Vice Chairman Butt would like a proof copy provided prior to printing.

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Finalize 2011 Recognized Holiday Schedule – Naomi Bolton, Town Administrator, mentioned that the Board has always approved the recognized town holidays. They discussed that floating holidays not being used until they are earned.

Chairman Clow moved, Selectman Osborne seconded to accept the list of recognized holidays as presented; employees not being affected by a contract can have the two floating holidays as of January 1. Passed 4-0-0

Fire Sprinkler Bids – Naomi Bolton, Town Administrator, said that she received four sprinkler bids for the Town Office Building.

\$69,988 Bergrade Fire Protection

\$164,800 Iron Works Fire

\$165,000 John Carter

Phoenix Fire Prevention (need clarification on the bid submitted).

The two higher bids include the tank. The bid for \$69,988 included the tank but not the digging of the hole or the line to the building for the 8,000 gallon tank. Chairman Clow said that they need some assurance that if they were to install the fire sprinklers that other things would not need to be done. Chairman Clow mentioned that they need to discuss a generator that will switch over immediately. Naomi Bolton, Town Administrator, will pursue generator bids and will let the Fire Marshall review the bids. Vice Chairman Butt said that he would like to think that the bidders would know what is needed. Chairman Clow said the Fire Marshall does not need to approve the system, but needs to let them know if they install the sprinklers other things on the list would not need to be done.

Vice Chairman Butt said that there is a balance of \$157,647 in the Government Building and Maintenance Fund. He is not sure if it is enough to cover the sprinkler expense. They will need to consider replenishing the fund.

CORRESPONDENCE

Selectman Osborne mentioned that there was a politician sitting on the front lawn of the Town Hall. She stopped by the Police Station and officer Dan Aiken was on duty and told Selectman Osborne that Chief Begin gave him permission to be there.

Chairman Clow mentioned political signs being placed on public property.

Chairman Clow moved, Selectman Donison seconded to enter into non public session @ 10:30 p.m. pursuant to the authority granted in RSA 91-A:3II (a&c). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Chairman Clow – yes. Passed 4-0-0

Chairman Clow moved, Selectman Donison seconded to come out of non public session @ 10:55 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Chairman Clow – yes. Passed 4-0-0

Selectman Donison moved, Vice Chairman Butt seconded to seal and restrict the minutes of the non-public session pursuant to the authority granted in RSA 91-A:3 II. Passed 5-0-0

Brief discussion regarding our website proposal.

Chairman Clow moved, Selectman Donison seconded to adjourn @ 11:00 p.m.

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary